

REMARKS

I. Amendment to the Specification

The specification is amended to correct a clerical error by changing "R1" in Table 1-1 to Table 1-6 to "R1-(CH₂)p-".

Applicants note that the error is apparent to one of ordinary skill in the art and it is also apparent that the change is the appropriate correction. Specifically, the compound number referred to in the Examples are those assigned to the compounds listed as preferred examples in the Tables and the example numbers correspond to the compound numbers of the compounds produced in those Examples, as described in the paragraph bridging pages 440-441 of the present specification. For example, (1H-benzimidazol-2-yl)-[1-(3,4-dichlorobenzyl)-piperidin-4-ylmethyl]-amine was synthesized in Example 1-1-1. If "R1" in Table 1-1 was not a clerical error that should be corrected to "R1-(CH₂)p-", the compound synthesized in Example 1-1-1 would differ from the compound number 1-1-1 listed in Table 1-1, in only "benzyl". Also, (1H-benzimidazol-2-yl)-[1-(1-methyl-1H-indol-2ylmethyl)-piperidin-4-ylmethyl]-amine was synthesized in Example 1-2-1. If "R1" in Table 1-2 was not a clerical error which should be corrected to "R1-(CH₂)p-", the compound synthesized in Example 1-2-1 would differ from the compound number 1-2-1 listed in the Table 1-2, in only "1H-indol-2ylmethyl". Consequently, "R1" in Table 1-1 to Table 1-6 is a clerical error which should be corrected to "R1-(CH₂)p-". This is also clear since Tables 2 to 8 describe "R1-(CH₂)p-" but not "R1".

Accordingly, no new matter is presented.

II. Claim Amendments

Claims 10-16 are amended to depend from any one of claims 1-6.

Claim 23 is amended to depend from any one of claims 17 to 20.

Claim 24 is amended to recite that the composition includes a pharmaceutically acceptable carrier. Claim 24 is also amended to depend from any one of claims 1-6.

Claims 25-30 are amended to recite a method of prophylaxis and/or treatment of a disease associated with CCR3. Claim 25 is also amended to depend from any one of claims 1-6.

No new matter is presented.

III. Response to Claim Rejection under 35 U.S.C. § 112, 2nd Paragraph

Claims 24-30 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite.

Specifically, the Examiner states:

1. In claim 24, the pharmaceutical composition lacks a carrier.
2. Claims 25-30 start as composition claims, but ends up as method claims.

Claim 24 is amended as stated above to recite that the composition includes a pharmaceutically acceptable carrier, thereby obviating the first aspect of the rejection.

Claims 25-30 are amended as stated above to recite a method of prophylaxis and/or treatment of a disease associated with CCR3, thereby obviating the second aspect of the rejection.

Withdrawal of the rejection is respectfully requested.

IV. Response to Claim Objections

Claims 10-16 and 23-25 are objected to under 37 CFR 1.75(c) as being an improper multiple dependent claims.

Claims 10-16 and 24-25 are amended herein to depend from any one of claims 1-6; claim 23 is amended to depend from any one of claims 17-20; and claim 25 is amended to depend from any one of claims 1 to 6, thereby obviating the objection.

Withdrawal of the objection is respectfully requested.

V. Response to Obviousness Double Patenting Rejections

Claims 1-30 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1-30 of co-pending Application No. 10/512,339.

A Terminal Disclaimer is submitted herewith, thereby obviating the rejection.

Accordingly Applicants request withdrawal of the obviousness-type double patenting rejection.

VI. Conclusion

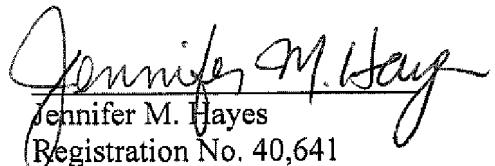
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. § 1.111
Application No. 10/511,174

Q84084

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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